

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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SPIN MASTER LTD.,	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 08-cv-0923
-against-	:	(EAW)(HKS)
	:	
BUREAU VERITAS CONSUMER PRODUCTS	:	
SERVICES, INC. and EUROFINs PRODUCT	:	
SAFETY LABS,	:	
	:	
Defendants.	x	

I, DORIT UNGAR BLACK, declare under penalty of perjury as follows:

1. I am a member of the law firm of Holwell Shuster & Goldberg LLP, counsel for defendant Eurofins Product Safety Labs, Inc. (“EPSL”) in the above-captioned action, and am admitted to practice before this Court. I submit this declaration in support of EPSL’s Motion for Summary Judgment dated September 30, 2016.

2. Pursuant to the stipulated protective order entered in this case (the “Protective Order”), D.E. 74, plaintiff Spin Master Ltd. (“Spin Master”) has designated certain documents and certain portions of deposition transcripts for “Confidential” or “Highly Confidential”¹ treatment. Although EPSL is of the view that the documents or testimony so designated do not

¹ Spin Master has designated certain documents “Highly Confidential” notwithstanding that the Protective Order provides for only a single layer of confidential treatment. *See* D.E. 74 ¶3. Defendant Bureau Veritas Consumer Product Services, Inc. and certain third parties have also designated certain documents for confidential treatment. The Protective Order allows the parties to designate as “Confidential” “Covered Material,” defined as “(a) trade secrets or other confidential research, development, or commercial information that the disclosing party would normally not reveal to third parties or would cause such third parties to maintain in confidence, such as, but not limited to, customer lists and pricing information; (b) personnel records; and (c) personal medical information.” *Id.*, ¶1.

meet the Protective Order's narrow definition of "Covered Material" and therefore do not warrant confidential treatment, out of an abundance of caution and so as to comply with its obligations under the Protective Order, EPSL is filing such documents under seal. Likewise, EPSL has redacted those portions of its supporting Memorandum of Law and its Rule 56(a)(1) Statement that reflect the contents of documents or testimony that have been designated for confidential treatment, except to the extent that such information is part of the public domain. EPSL is submitting to Chambers unsealed and unredacted versions of its papers (and also serving such unsealed and unredacted versions on the other parties to this litigation).

3. Attached hereto as Exhibit 1 is a true and correct copy of June 6, 2007 email correspondence attaching the Spin Master test request bearing production numbers BVCPS0000108-110.

4. Attached hereto as Exhibit 2 is a true and correct copy of a July 12, 2007 email from Lori Trock to James Branco bearing production number BVCPS0000114.

5. Attached hereto as Exhibit 3 is a true and correct copy of a July 23, 2007 email from Lori Trock to James Branco bearing production numbers BVCPS0000121-22.

6. Attached hereto as Exhibit 4 is a true and correct copy of an August 1, 2007 email from Lori Trock to James Branco bearing production number BVCPS0000165.

7. Attached hereto as Exhibit 5 is a true and correct copy of an August 10, 2007 email from Lori Trock to James Branco bearing production number BVCPS0000166.

8. Attached hereto as Exhibit 6 is a true and correct copy of an August 14, 2007 email from Lori Trock to Michelle Korkowicz bearing production numbers BVCPS0000170-73.

9. Attached hereto as Exhibit 7 is a true and correct copy of July 24, 2007 email correspondence bearing production numbers BVCPS0000355-62.

10. Attached hereto as Exhibit 8 is a true and correct copy of August 10, 2007 email correspondence attaching the EPSL test report bearing production numbers BVCPS0000385-87.

11. Attached hereto as Exhibit 9 is a true and correct copy of a May 3, 2007 email attaching study data bearing production numbers BVCPS0000491-97.

12. Attached hereto as Exhibit 10 is a true and correct copy of an August 10, 2007 invoice from BVCPS bearing production number BVCPS0002621.

13. Attached hereto as Exhibit 11 is a true and correct copy of a document bearing production number BVCPS0002907.

14. Attached hereto as Exhibit 12 is a true and correct copy of a document bearing production numbers BVCPS0002923-24.

15. Attached hereto as Exhibit 13 is a true and correct copy of study data bearing production numbers BVCPS0003205-15.

16. Attached hereto as Exhibit 14 is a true and correct copy of the BV Blue Label bearing production numbers BVCPS0003216-25.

17. Attached hereto as Exhibit 15 is a true and correct copy of study data bearing production numbers BVCPS0013107-33.

18. Attached hereto as Exhibit 16 is a true and correct copy of study data bearing production numbers BVCPS0013135-59.

19. Attached hereto as Exhibit 17 is a true and correct copy of study data bearing production numbers BVCPS0013178-93.

20. Attached hereto as Exhibit 18 is a true and correct copy of study data bearing production numbers BVCPS0013213-28.

21. Attached hereto as Exhibit 19 is a true and correct copy of study data bearing production numbers BVCPS0013425-61.

22. Attached hereto as Exhibit 20 is a true and correct copy of study data bearing production numbers BVCPS0014457-73.

23. Attached hereto as Exhibit 21 is a true and correct copy of Spin Master's Responses to Plaintiff's Second Set of Requests for Admission bearing production numbers BVCPS0027014-22.

24. Attached hereto as Exhibit 22 is a true and correct copy of October 18, 2007 email correspondence bearing production numbers CPSC_REV022396-97.

25. Attached hereto as Exhibit 23 is a true and correct copy of an August 20, 2007 email attaching EPSL invoices bearing production numbers EPSL00019-37.

26. Attached hereto as Exhibit 24 is a true and correct copy of a document bearing production numbers EPSL00745-83.

27. Attached hereto as Exhibit 25 is a true and correct copy of the Second MB Research Report bearing production numbers MB00052-61.

28. Attached hereto as Exhibit 26 is a true and correct copy of the First MB Research Report bearing production numbers MB00197-210.

29. Attached hereto as Exhibit 27 is a true and correct copy of the November 22, 2006 Distribution Agreement bearing production numbers SP000419-21.

30. Attached hereto as Exhibit 28 is a true and correct copy of the CPSC Recall Announcement bearing production number SP000468.

31. Attached hereto as Exhibit 29 is a true and correct copy of a January 25, 2007 Intertek LHAMA Report bearing production numbers SP000499-501.

32. Attached hereto as Exhibit 30 is a true and correct copy of a January 25, 2007 Intertek Canadian TRA Report bearing production numbers SP000502-04.

33. Attached hereto as Exhibit 31 is a true and correct copy of a January 25, 2007 Intertek U.S. TRA Report bearing production numbers SP000505-07.

34. Attached hereto as Exhibit 32 is a true and correct copy of the October 25, 2007 MJN Report bearing production numbers SP000521-22.

35. Attached hereto as Exhibit 33 is a true and correct copy of November 2, 2007 email correspondence bearing production numbers SP000576-78.

36. Attached hereto as Exhibit 34 is a true and correct copy of October 20, 2007 email correspondence bearing production numbers SP000583-86.

37. Attached hereto as Exhibit 35 is a true and correct copy of an October 31, 2007 Chemir Report bearing production numbers SP000746-49.

38. Attached hereto as Exhibit 36 is a true and correct copy of October 2007 email correspondence among Joost Poulus, Arlene Biran and others bearing production numbers SP000804-06.

39. Attached hereto as Exhibit 37 is a true and correct copy of May 2007 email correspondence among Alex Perez, Iain Kennedy and others bearing production numbers SP000902-05.

40. Attached hereto as Exhibit 38 is a true and correct copy of June 2007 email correspondence concerning QVC bearing production numbers SP000906-10.

41. Attached hereto as Exhibit 39 is a true and correct copy of May 2007 email correspondence concerning QVC bearing production numbers SP000999-1010.

42. Attached hereto as Exhibit 40 is a true and correct copy of a June 27, 2007 email from James Ford to James Branco and others bearing production number SP001036.

43. Attached hereto as Exhibit 41 is a true and correct copy of July 2007 email correspondence between James Ford and JSSY, Ltd. bearing production numbers SP001073-74.

44. Attached hereto as Exhibit 42 is a true and correct copy of July/August 2007 email correspondence between Alex Perez and QVC bearing production numbers SP001141-48.

45. Attached hereto as Exhibit 43 is a true and correct copy of July 2007 email correspondence between James Ford, Alex Perez and others bearing production numbers SP001209-11.

46. Attached hereto as Exhibit 44 is a true and correct copy of July 15, 2007 email correspondence from Alex Perez to Richard Pang bearing production numbers SP001212-14.

47. Attached hereto as Exhibit 45 is a true and copy of a July 23, 2007 email from Alex Perez to James Ford bearing production numbers SP001222-41.

48. Attached hereto as Exhibit 46 is a true and correct copy of a July 24, 2007 email from James Ford to Alex Perez and others bearing production numbers SP001260-62.

49. Attached hereto as Exhibit 47 is a true and correct copy of an email attaching the August 2, 2007 ISI Report bearing production numbers SP001269-76.

50. Attached hereto as Exhibit 48 is a true and correct copy of an August 3, 2007 email from QVC to recipients at Spin Master bearing production numbers SP001289-97.

51. Attached hereto as Exhibit 49 is a true and correct copy of August 14, 2007 email correspondence bearing production number SP001396.

52. Attached hereto as Exhibit 50 is a true and correct copy of an August 13, 2007 email from James Branco to Alex Perez attaching the BV Test Report bearing production numbers SP001397-98.

53. Attached hereto as Exhibit 51 is a true and correct copy of an October 11, 2007 email from BVCPS to Mr. Perez attaching the EPSL Test Report bearing production numbers SP001400-01.

54. Attached hereto as Exhibit 52 is a true and correct copy of an October 18, 2007 email from Anton Rabie to Debbie Nicholson and others bearing production numbers SP003787-88.

55. Attached hereto as Exhibit 53 is a true and correct copy of an October 1, 2007 email from Elise Lachowyn to Arlene Biran bearing production number SP005431.

56. Attached hereto as Exhibit 54 is a true and correct copy of a July 17, 2007 email from Rob Yusim to Alex Perez and others bearing production numbers SP005459-60.

57. Attached hereto as Exhibit 55 is a true and correct copy of an August 1, 2007 email from Rob Yusim to Alex Perez and others bearing production numbers SP005461-63.

58. Attached hereto as Exhibit 56 is a true and correct copy of an August 1, 2007 email from Rob Yusim to Elise Lachowyn bearing production numbers SP005464-66.

59. Attached hereto as Exhibit 57 is a true and correct copy of an October 10, 2007 email from Anton Rabie to Iain Kennedy bearing production numbers SP005554-55.

60. Attached hereto as Exhibit 58 is a true and correct copy of a November 4, 2007 email from Anton Rabie to Iain Kennedy bearing production numbers SP005611-12.

61. Attached hereto as Exhibit 59 is a true and correct copy of a November 5, 2007 email from Anton Rabie to Ronnen Harary bearing production numbers SP005613-15.

62. Attached hereto as Exhibit 60 is a true and correct copy of a November 6, 2007 email from Anton Rabie to Manny Stul bearing production number SP005616.

63. Attached hereto as Exhibit 61 is a true and correct copy of an October 26, 2007 email from Anton Rabie to himself bearing production number SP005670.

64. Attached hereto as Exhibit 62 is a true and correct copy of an October 19, 2007 email from Joost Poulus to Iain Kennedy and others bearing production numbers SP005865-76.

65. Attached hereto as Exhibit 63 is a true and correct copy of a November 8, 2007 email from Alex Perez to Anton Rabie bearing production numbers SP006025-47.

66. Attached hereto as Exhibit 64 is a true and correct copy of an October 10, 2007 email from Chris Beardall to Iain Kennedy bearing production numbers SP006316-17.

67. Attached hereto as Exhibit 65 is a true and correct copy of an August 28, 2007 email from CW Yuen to Manny Stul and others bearing production numbers SP006533-42.

68. Attached hereto as Exhibit 66 is a true and correct copy of an October 18, 2007 email from Murray Goldfarb to Iain Kennedy bearing production numbers SP006564-76.

69. Attached hereto as Exhibit 67 is a true and correct copy of an October 29, 2007 email from Joost Poulus to Iain Kennedy bearing production numbers SP006657-59.

70. Attached hereto as Exhibit 68 is a true and correct copy of a November 6, 2007 email from Scott Cleaver to Chris Beardall and others bearing production numbers SP006711-12.

71. Attached hereto as Exhibit 69 is a true and correct copy of a November 9, 2007 email from Alex Perez to Iain Kennedy bearing production number SP006792.

72. Attached hereto as Exhibit 70 is a true and correct copy of an October 31, 2007 email from Manny Stul to Anita Choy and others bearing production numbers SP008163-65.

73. Attached hereto as Exhibit 71 is a true and correct copy of a November 6, 2007 email from Anton Rabie to himself and Ronnen Harary bearing production numbers SP013825-27.

74. Attached hereto as Exhibit 72 is a true and correct copy of a November 6, 2007 email from Anton Rabie to Mark Sullivan bearing production numbers SP013844-46.

75. Attached hereto as Exhibit 73 is a true and correct copy of a November 2, 2007 email from Victor Yip to Nelson Yau bearing production numbers SP013967-69.

76. Attached hereto as Exhibit 74 is a true and correct copy of a March 26, 2007 email from Arlene Biran to Esther Skliros and others bearing production numbers SP014811-15.

77. Attached hereto as Exhibit 75 is a true and correct copy of an October 18, 2007 email from Sam Tsang to Victory Yip and others bearing production numbers SP018754-57.

78. Attached hereto as Exhibit 76 is a true and correct copy of an October 10, 2007 email from Manny Stul to Iain Kennedy and others bearing production numbers SP021811-13.

79. Attached hereto as Exhibit 77 is a true and correct copy of an October 21, 2007 email from Mark Segal to Anton Rabie bearing production number SP022000.

80. Attached hereto as Exhibit 78 is a true and correct copy of an October 24, 2007 email from Anton Rabie to himself bearing production number SP022014.

81. Attached hereto as Exhibit 79 is a true and correct copy of a November 8, 2007 email from Richard Dodd to Iain Kennedy and others bearing production number SP024149.

82. Attached hereto as Exhibit 80 is a true and correct copy of a November 9, 2007 email from Paul Draffin to Ronnen Harary and others bearing production number SP024150.

83. Attached hereto as Exhibit 81 is a true and correct copy of a November 11, 2007 email from CW Yuen to Anton Rabie bearing production number SP024201.

84. Attached hereto as Exhibit 82 is a true and correct copy of a January 13, 2007 email from Rob Yusim to Elise Lachowyn and others bearing production numbers SP034337-39.

85. Attached hereto as Exhibit 83 is a true and correct copy of a July 16, 2007 email from Rob Yusim to Jeffrey Bernstein bearing production number SP041191.

86. Attached hereto as Exhibit 84 is a true and correct copy of an August 1, 2007 email from Rob Yusim to Jeffrey Bernstein bearing production number SP041192.

87. Attached hereto as Exhibit 85 is a true and correct copy of an October 25, 2007 email from Anton Rabie to Chris Beardall and others bearing production number SP056902.

88. Attached hereto as Exhibit 86 is a true and correct copy of an October 26, 2007 email from Anton Rabie to Rob Yusim bearing production number SP056903.

89. Attached hereto as Exhibit 87 is a true and correct copy of a November 5, 2007 email from Anton Rabie to Manny Stul bearing production numbers SP057228-29.

90. Attached hereto as Exhibit 88 is a true and correct copy of a July 18, 2007 email from Celeste Farquharson to Chris Harrs and others bearing production numbers SP057511-13.

91. Attached hereto as Exhibit 89 is a true and correct copy of an August 1, 2007 email from Celeste Farquharson to Scott Cleaver and others bearing production numbers SP057514-15.

92. Attached hereto as Exhibit 90 is a true and correct copy of a November 5, 2007 email from Celeste Farquharson to Scott Cleaver and others bearing production numbers SP057541-42.

93. Attached hereto as Exhibit 91 is a true and correct copy of a February 5, 2007 email from Arlene Biran to Ashley Elborne and others bearing production numbers SP058913-18.

94. Attached hereto as Exhibit 92 is a true and correct copy of an April 30, 2008 letter to Valued Customers from Spin Master Customer Care bearing production numbers SP078787-88.

95. Attached hereto as Exhibit 93 is a true and correct copy of an October 10, 2007 email from Alex Perez to Jerry Miller bearing production number SP094345.

96. Attached hereto as Exhibit 94 is a true and correct copy of Spin Master's Responses and Objections to Plaintiffs' Third Set of Requests for Admission (MDL) bearing production numbers SP094479-99.

97. Attached hereto as Exhibit 95 is a true and correct copy of an August 1, 2007 email from Carolyn Lowe to Michelle Korkowicz and others bearing production number SP096161.

98. Attached hereto as Exhibit 96 is a true and correct copy of a November 12, 2007 email from Ronnen Harary to Anton Rabie bearing production numbers SP096736-37.

99. Attached hereto as Exhibit 97 is a true and correct copy of an August 10, 2007 email from James Branco to Alex Perez bearing production number SP097175.

100. Attached hereto as Exhibit 98 is a true and correct copy of an April 21, 2008 email from Richard Wong to Alex Perez and others bearing production numbers SP098611-12.

101. Attached hereto as Exhibit 99 is a true and correct copy of a July 28, 2008 email from Esther Skliros to Joost Poulus bearing production numbers SP107527-30.

102. Attached hereto as Exhibit 100 is a true and correct copy of an August 2, 2007 email from Alex Perez to Arlene Biran and others bearing production numbers SP108035-37.

103. Attached hereto as Exhibit 101 is a true and correct copy of Second Supplemental Responses and Objections of Spin Master Ltd. and Spin Master, Inc. to Plaintiff's First Set of Interrogatories (MDL) bearing production numbers SP110736-55.

104. Attached hereto as Exhibit 102 is a true and correct copy of an October 23, 2007 email from Rob Yusim to Anton Rabie bearing production number SP128343.

105. Attached hereto as Exhibit 103 is a true and correct copy of an October 19, 2007 email from Celeste Farquharson to Alex Perez and others bearing production numbers SP156925-26.

106. Attached hereto as Exhibit 104 is a true and correct copy of a November 5, 2007 email from Celeste Farquharson to Alex Perez and others bearing production numbers SP156929-30.

107. Attached hereto as Exhibit 105 is a true and correct copy of a September 4, 2007 email Vincent Santore to Chris Harrs and others bearing production numbers SP157993-96.

108. Attached hereto as Exhibit 106 is a true and correct copy of an August 19, 2008 letter from the CPSC to Greenberg Traurig bearing production numbers SP213891-98.

109. Attached hereto as Exhibit 107 is a true and correct copy of an excerpt of an October 17, 2008 letter from Ronald Rothstein to the CPSC bearing production numbers SP214038-12.

110. Attached hereto as Exhibit 108 is a true and correct copy of a May 27, 2009 letter from Ronald Rothstein to the CPSC bearing production numbers SP214293-329.

111. Attached hereto as Exhibit 109 is a true and correct copy of a November 24, 2006 email from Anton Rabie to Manny Stul bearing production numbers SP215064-66.

112. Attached hereto as Exhibit 110 is a true and correct copy of a June 19, 2009 letter from Ronald Rothstein to the CPSC bearing production numbers SP232766-71.

113. Attached hereto as Exhibit 111 is a true and correct copy of a July 22, 2007 email from Raymond Leung to Anita Choy bearing production number SP248573.

114. Attached hereto as Exhibit 112 is a true and correct copy of the March 12, 2008 Lai On Report bearing production numbers SP249831-40.

115. Attached hereto as Exhibit 113 is a true and correct copy of an August 4, 2009 letter concerning the Ontario litigation bearing production numbers SP255436-47.

116. Attached hereto as Exhibit 114 is a true and correct copy of a March 4, 2010 letter concerning the Ontario litigation bearing production numbers SP256355-62.

117. Attached hereto as Exhibit 115 is a true and correct copy of the August 12, 2008 Ontario Litigation Statement of Claim bearing production numbers SP259979-88.

118. Attached hereto as Exhibit 116 is a true and correct copy of the Acknowledgment Regarding AquaDots Products Recall Costs, Product Costs and Related Revenue bearing production numbers SP260615-34.

119. Attached hereto as Exhibit 117 is a true and correct copy of the March 26, 2009 Assignment and Ratification Agreement bearing production numbers SP260659-64.

120. Attached hereto as Exhibit 118 is a true and correct copy of the December 1, 2008 Assignment and Ratification Agreement bearing production numbers SP260665-70.

121. Attached hereto as Exhibit 119 is a true and correct copy of a November 7, 2007 email from Ben Varadi to Mark Segal and others bearing production numbers SP260777-83.

122. Attached hereto as Exhibit 120 is a true and correct copy of a November 6, 2007 email from Ronnen Harary to Anton Rabie bearing production numbers SP260819-30.

123. Attached hereto as Exhibit 121 is a true and correct copy of a November 6, 2007 email from Anton Rabie to Ronnen Harary and others bearing production numbers SP260831-41.

124. Attached hereto as Exhibit 122 is a true and correct copy of a November 6, 2007 email from Mark Segal to Ronnen Harary and others bearing production numbers SP260842-52.

125. Attached hereto as Exhibit 123 is a true and correct copy of a November 6, 2007 email from Ronnen Harary to Mark Segal and others bearing production numbers SP260853-63.

126. Attached hereto as Exhibit 124 is a true and correct copy of a May 26, 2011 letter from Ronald Rothstein to the CPSC bearing production numbers SP260937-52.

127. Attached hereto as Exhibit 125 is a true and correct copy of the CPSC Settlement Agreement bearing production numbers SP261382-96.

128. Attached hereto as Exhibit 126 is a true and correct copy of an excerpt of the transcript of the deposition of Alex Berto Perez on October 27, 2010.

129. Attached hereto as Exhibit 127 is a true and correct copy of an excerpt of the transcript of the deposition of Alex Berto Perez on April 1, 2011.

130. Attached hereto as Exhibit 128 is a true and correct copy of an excerpt of the transcript of the deposition of Iain Kennedy on April 5, 2011.

131. Attached hereto as Exhibit 129 is a true and correct copy of an excerpt of the transcript of the deposition of Christopher Harrs on April 6, 2011.

132. Attached hereto as Exhibit 130 is a true and correct copy of an excerpt of the transcript of the deposition of Anton Rabie on April 8, 2011.

133. Attached hereto as Exhibit 131 is a true and correct copy of an excerpt of the Highly Confidential portion of the transcript of the deposition of Anton Rabie on April 8, 2011.

134. Attached hereto as Exhibit 132 is a true and correct copy of an excerpt of the transcript of the deposition of Chris Beardall on April 29, 2011.

135. Attached hereto as Exhibit 133 is a true and correct copy of an excerpt of the Highly Confidential portion of the transcript of the deposition of Chris Beardall on April 29, 2011.

136. Attached hereto as Exhibit 134 is a true and correct copy of an excerpt of the transcript of the deposition of Mark Segal on March 30, 2016.

137. Attached hereto as Exhibit 135 is a true and correct copy of an excerpt of the transcript of the 30(b)(6) deposition of Christopher Harrs on March 31, 2016.

138. Attached hereto as Exhibit 136 is a true and correct copy of an excerpt of the transcript of the 30(b)(6) deposition of Christopher Harrs on April 1, 2016.

139. Attached hereto as Exhibit 137 is a true and correct copy of an excerpt of the transcript of the deposition of Dr. Colin Rousseaux on July 12, 2016.

140. Attached hereto as Exhibit 138 is a true and correct copy of an excerpt of the transcript of the deposition of Richard Conroy on July 22, 2016.

141. Attached hereto as Exhibit 139 is a true and correct copy of an excerpt of the transcript of the deposition of Dr. Stephen Roberts on August 4, 2016.

142. Attached hereto as Exhibit 140 is a true and correct copy of an excerpt of the transcript of the deposition of Ronnen Harary on April 5, 2016.

143. Attached hereto as Exhibit 141 is a true and correct copy of an excerpt of the Highly Confidential portion of the transcript of the deposition of Ronnen Harary on April 5, 2016.

144. Attached hereto as Exhibit 142 is a true and correct copy of an excerpt of the transcript of the deposition of Dr. Julie Goodman on August 10, 2016.

145. Attached hereto as Exhibit 143 is a true and correct copy of an excerpt of the transcript of the 30(b)(6) deposition of Gary Wnorowski on September 24, 2010.

146. Attached hereto as Exhibit 144 is a true and correct copy of an excerpt of the transcript of the deposition of George Moore on December 8, 2010.

147. Attached hereto as Exhibit 145 is a true and correct copy of an excerpt of the transcript of the deposition of Carolyn Lowe on April 12, 2016.

148. Attached hereto as Exhibit 146 is a true and correct copy of an excerpt of the transcript of the deposition of Jennifer Durando on April 13, 2016.

149. Attached hereto as Exhibit 147 is a true and correct copy of an excerpt of the transcript of the deposition of Daniel Merkel dated April 29, 2016.

150. Attached hereto as Exhibit 148 is a true and correct copy of an excerpt of the transcript of the 30(b)(6) deposition of Elizabeth Hausler on September 29, 2010.

151. Attached hereto as Exhibit 149 is a true and correct copy of an excerpt of the transcript of the deposition of Michelle Korkowicz on May 4, 2011.

152. Attached hereto as Exhibit 150 is a true and correct copy of an excerpt of the transcript of the deposition of Lori Trock on May 26, 2011.

153. Attached hereto as Exhibit 151 is a true and correct copy of the expert report of Richard M. Conroy dated May 5, 2016.

154. Attached hereto as Exhibit 152 is a true and correct copy of an excerpt of the expert report of Dr. Julie Goodman dated May 5, 2016.

155. Attached hereto as Exhibit 153 is a true and correct copy of the expert report of Tim Pine dated May 5, 2016.

156. Attached hereto as Exhibit 154 is a true and correct copy of an excerpt of the expert report of Dr. Stephen Roberts dated May 5, 2016.

157. Attached hereto as Exhibit 155 is a true and correct copy of an excerpt of the expert report of Colin Rousseaux dated May 5, 2016.

158. Attached hereto as Exhibit 156 is a true and correct copy of the expert report of James Reba dated June 10, 2016.

159. Attached hereto as Exhibit 157 is a true and correct copy of the expert report of Tom DeLuca dated June 10, 2016.

160. Attached hereto as Exhibit 158 is a true and correct copy of EPSL's Amended Responses and Objections to Plaintiff's First Set of Interrogatories dated June 11, 2010.

161. Attached hereto as Exhibit 159 is a true and correct copy of Spin Master's Responses to Defendant Bureau Veritas Consumer Products Services, Inc.'s Second Set of Requests for Admission, dated November 22, 2010.

162. Attached hereto as Exhibit 160 is a true and correct copy of Spin Master's Responses and Objections to Defendant Bureau Veritas Consumer Products Services, Inc.'s First Set of Interrogatories dated September 14, 2009.

163. Attached hereto as Exhibit 161 is a true and correct copy of Spin Master's Responses and Objections to EPSL's First Set of Interrogatories, dated November 30, 2009.

164. Attached hereto as Exhibit 162 is a true and correct copy of Spin Master's Responses to Bureau Veritas Consumer Products Services Inc.'s First Set of Requests for Admission dated September 14, 2009.

165. Attached hereto as Exhibit 163 is a true and correct copy of a July 14, 2016 subpoena issued by Bureau Veritas Consumer Products Services, Inc. to Richard M. Conroy.

166. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 30, 2016



Dorit Ungar Black